IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 29TH NOVEMBER 2007 / 8TH AGRAHAYANA 1929

LA.App..No. 310 of 2004()

LAR.268/1999 of ADDL.SUB COURT,N.PARAVUR
.....

APPELLANT: RESPONDENTS.

STATE OF KERALA.

BY GOVERNMENT PLEADER SHRI K.V.MANOJ KUMAR

RESPONDENTS: CLAIMANTS.

PURUSHOTHAMAN, S/O.ITTIMAKKOTHA,
KOLLAMPAAMBIL VADAKKEDATHU VEETTIL,
PUTHENVELIKKARA VILLAGE, ELEANTHIKKARA PARUR TALUK

BY ADV. SRI.JAICE JACOB

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 29/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON I.A.No.1515/04 in LAA.310/04

DISMISSED

29.11.2007 SD/- KURIAN JOSEPH, JUDGE
SD/- HARUN-UL-RASHID

KURIAN JOSEPH & HARUN- UL- RASHID, JJ.

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L.A. A. NO. 310 of 2004-B

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DATED THIS THE 29TH DAY OF NOVEMBER, 2007

J U D G M E N T

Kurian Joseph, J.

This is an appeal filed against the judgment and decree in L.A.R.No.268/99 on the file of Additional Sub Court, North Paravur. The acquisition was for the purpose of construction of a regulator cum over bridge. Section 4(1) notification is dated 7.1.1999. The Land Acquisition Officer fixed the land value at Rs.40,000/= per cent. It is seen, as per the discussion, that the land value was enhanced from 40,000/= per cent to Rs.50,000/= per cent. It is to be seen that there is no discussion at all on the evidence justifying the enhancement, even assuming there is evidence. Therefore, we set aside the judgment in LAR.No.268/99 and remit the matter to the reference court for fresh consideration. The parties shall appear before the reference court on 07.01.2008 and the reference shall be answered within a period of six months thereafter.

KURIAN JOSEPH, JUDGE

HARUN-UL- RASHID, JUDGE

dsn